UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.11/Add.7
17 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 26

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

Draft report of the Commission

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

CONTENTS*

Chapter — Page

II. Resolutions and decisions adopted by the Commission at its fifty-third session . . . . . .

B. Decisions

1997/101. Organization of work . . . . . .

1997/102. Human rights and the environment . . . . . .

1997/103. Effects of structural adjustment policies on the full enjoyment of human rights . . . .

1997/104. Status of the International Covenants on Human Rights . . . . . .

---

* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

GE.97-12455 (E)

CONTENTS (continued)

Chapter — Page

II. B. Decisions (continued)

1997/105. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights . . . . . .

1997/106. Children and juveniles in detention . . . . .

1997/107. Human rights of persons with disabilities . . . . . .

1997/108. Traditional practices affecting the health of women and children . . . . . .

1997/109. The right to a fair trial . . . . . .

1997/110. Question of human rights and states of emergency . . . . . .

1997/111. United Nations Decade for Human Rights Education . . . . . .

1997/112. Protection of the heritage of indigenous people . . . . . .

1997/113. Study on treaties, agreements and other constructive arrangements between States and indigenous populations . . . . . .

1997/114. Study on indigenous land rights . . . . . .

1997/115. Human rights and income distribution . . . . .

1997/116. Deferral of consideration of draft resolutions L.86 and L.87, entitled "Rationalization of the work of the special procedures system" and "Review of the special procedures system", to the fifty-fourth session of the Commission on Human Rights . . . . . .

1997/117. Conscientious objection to military service . . . . . .

1997/118. Tolerance and pluralism as indivisible elements in the promotion and protection of human rights . . . . . .

CONTENTS (continued)

Chapter

Page

II. B. Decisions (continued)

1997/119. Organization of the work of the fifty-fourth session (additional meetings) . . . . . .

1997/120. Organization of the work of the fifty-fourth session (reporting obligation) . . . . . .

1997/121. Question of human rights in Cyprus . . . . . .

1997/122. Human rights and the follow-up to the guidelines for regulation of computerized personal data files . . . . . .

B. Decisions

1997/101. Organization of work

At its 2nd meeting, on 11 March 1997, the Commission on Human Rights decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 3: Mr. P. Pinheiro, Special Rapporteur on the situation of human rights in Burundi;

(b) In connection with item 4: Mr. H. Halinen, Special Rapporteur on the Palestinian territories occupied by Israel;

(c) In connection with item 5: Ms. Fatma Zohra Ksentini, Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes;

(d) In connection with item 6: Mr. K. Drzewicki, Chairman-Rapporteur of the Intergovernmental Group of Experts on the Right to Development;

(e) In connection with item 7: Mr. E. Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries;

(f) In connection with item 8: Mr. L. Joinet, Chairman-Rapporteur of the Working Group on Arbitrary Detention;

(g) In connection with item 8: Mr. A. Hussein, Special Rapporteur on the right to freedom of opinion and expression;

(h) In connection with item 8: Mr. P. Cumaraswami, Special Rapporteur on the independence of judges and lawyers;

(i) In connection with item 8 (a): Mr. N. Rodley, Special Rapporteur on the question of torture;

(j) In connection with item 8 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(k) In connection with item 8 (d): Mr. C. Vargas Pizarro, Chairman-Rapporteur of the working group on a draft optional protocol to the Convention against Torture;

(l) In connection with item 9 (a): Ms. R. Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences;

(m) In connection with item 9 (d): Mr. F.M. Deng, Representative of the Secretary-General on internally displaced persons;

(n) In connection with item 10: Mr. C.J. Groth, Special Rapporteur on the situation of human rights in Cuba;

(o) In connection with item 10: Mr. M. Copithorne, Special Representative of the Secretary-General on the situation of human rights in the Islamic Republic of Iran;

(p) In connection with item 10: Mr. R. Garretón, Special Rapporteur on the situation of human rights in Zaire;

(q) In connection with item 10: Mr. A. Artucio, Special Rapporteur on the situation of human rights in Equatorial Guinea;

(r) In connection with item 10: Mr. R. Lallah, Special Rapporteur on the situation of human rights in Myanmar;

(s) In connection with item 10: Mr. B.W. N'diaye, Special Rapporteur on extrajudicial, summary or arbitrary executions;

(t) In connection with item 10: Mr. Choong-Hyun Paik, Special Rapporteur on the situation of human rights in Afghanistan;

(u) In connection with item 10: Mr. M. van der Stoel, Special Rapporteur on the situation of human rights in Iraq;

(v) In connection with item 10: Mr. G. Bíro, Special Rapporteur on the situation of human rights in the Sudan;

(w) In connection with item 10: Ms. E. Rehn, Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia;

(x) In connection with item 10: Mr. R. Dégni-Seguí, Special Rapporteur on the situation of human rights in Rwanda;

(y) In connection with item 10: Mr. M. Novak, expert of the Working Group on Enforced or Involuntary Disappearances dealing with missing persons in the former Yugoslavia;

(z) In connection with item 10 (b): Mr. F. Yimer, Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; representatives of States in respect of which situations were being considered under item 10 (b);

(aa) In connection with item 13: Mr. M. Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance;

(bb) In connection with item 14: Mr. P. Alston, Chairman of the Committee on Economic, Social and Cultural Rights;

(cc) In connection with item 15: Ms. I. Corti, Chairperson of the seventh meeting of the persons chairing the human rights treaty bodies;

(dd) In connection with item 16: Mr. A. Eide, Chairman of the forty-eighth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(ee) In connection with item 18: Mr. T. Hammarberg, Special Representative of the Secretary-General on Cambodia;

(ff) In connection with item 18: Mr. A. Dieng, Independent expert on the situation of human rights in Haiti;

(gg) In connection with item 18: Ms. M. Pinto, Independent expert on the situation of human rights in Guatemala;

(hh) In connection with item 18: Ms. M. Rishmawi, Independent expert on the situation of human rights in Somalia;

(ii) In connection with item 18: Ms. L. Takla, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;

(jj) In connection with item 19: Mr. A. Amor, Special Rapporteur on the question of religious intolerance;

(kk) In connection with item 20: Mr. J. Helgesen, Chairman-Rapporteur of the Working Group on "human rights defenders";

(ll) In connection with item 21: Mr. N. Eliasson, Chairman-Rapporteur of the Working Group on a draft optional protocol on the involvement of children in armed conflicts;

(mm) In connection with item 21: Ms. G. Machel, Independent expert appointed by the Secretary-General on the impact of armed conflicts on children;

(nn) In connection with item 21 (b): Mrs. O. Calcetas-Santos, Special Rapporteur on the sale of children, child prostitution and child pornography;

(oo) In connection with item 21 (d): Mr. I. Mora, Chairman-Rapporteur of the Working Group on a draft optional protocol on the sale of children, child prostitution and pornography;

(pp) In connection with item 24: Mr. J. Urrutia, Chairman-Rapporteur of the working group on a draft declaration on indigenous rights.

[See chap. III.]

1997/102. Human rights and the environment

At its 36th meeting, on 16 April 1997, the Commission on Human Rights, taking note of the reports of the Secretary-General submitted in accordance

with its resolutions 1995/14 and 1996/13 on the question of human rights and the environment (E/CN.4/1996/23 and Add.1 and E/CN.4/1997/18), and bearing in mind the plans for General Assembly consideration of Agenda 21, decided to invite the Secretary-General to bring those reports and the Commission on Human Rights' own consideration of this question to the attention of the General Assembly at its special session on Agenda 21, the Commission on Sustainable Development, the United Nations Environment Programme, the United Nations Development Programme and other relevant international bodies and organizations, and to request the Secretary-General to prepare a consolidated report based on the deliberations of the General Assembly and of those international bodies and organizations for its consideration of the question of human rights and the environment at its fifty-fifth session.

[See chap. V.]

1997/103. Effects of structural adjustment policies on the full enjoyment of human rights

At its 36th meeting, on 3 April 1997, the Commission on Human Rights, taking note of the report of the open-ended working group on structural adjustment programmes and economic, social and cultural rights (E/CN.4/1997/20), decided, without a vote, to authorize the open-ended working group to meet for one week, at least four weeks before the fifty-fourth session of the Commission, with a mandate: (a) to gather and analyse information on the effects of structural adjustment programmes on economic, social and cultural rights and (b) to elaborate basic policy guidelines on structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and the international financial institutions, and to report to the Commission at its fifty-fourth session.

In order that the working group might carry out its mandate, the Commission also decided:

(a) To request the Chairman of the Commission, in consultation with the regional groups, to appoint an independent expert, preferably an economist specialized in the area of structural adjustment programmes, to study the effects of structural adjustment policies on economic, social and cultural rights in cooperation with the Centre for Human Rights. The expert should

update previous work done on this subject within as well as outside the United Nations and submit a consolidated study, including a draft set of guidelines, to the Commission at its fifty-fourth session;

(b) To request the Secretary-General to circulate the study to Governments, United Nations bodies, in particular the regional commissions, the specialized agencies, intergovernmental organizations, non-governmental organizations, particularly those involved in development, and academic institutions and organizations representing disadvantaged and vulnerable groups, and to invite them to submit their comments thereon to the working group at its next session;

(c) To request the Secretary-General specially to invite and encourage non-governmental organizations involved in development and working in the field to participate actively in the sessions of the working group;

(d) To request the Secretary-General to provide all the necessary assistance and resources to enable the working group to complete its work and to provide the independent expert with all the necessary assistance and resources to carry out his/her mandate.

The Commission recommended the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights decision 1997/... of ... 1997, endorses the Commission's decision to authorize the open-ended working group to meet for one week, at least four weeks before the fifty-fourth session of the Commission with a mandate: (a) to gather and analyse information on the effects of structural adjustment programmes on economic, social and cultural rights and (b) to elaborate basic policy guidelines on structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and the international financial institutions, and to report to the Commission at its fifty-fourth session.

In order that the working group may carry out its mandate, the Council also decides:

(a) To request the Chairman of the Commission, in consultation with the regional groups, to appoint an independent expert, preferably an economist specialized in the area of structural adjustment programmes, to study the effects of structural adjustment policies on

economic, social and cultural rights in cooperation with the Centre for Human Rights. The expert should update previous work done on this subject within as well as outside the United Nations and submit a consolidated study, including a draft set of guidelines, to the Commission at its fifty-fourth session;

(b) To request the Secretary-General to circulate the study to Governments, United Nations bodies, in particular the regional commissions, the specialized agencies, intergovernmental organizations, non-governmental organizations, particularly those involved in development, and academic institutions and organizations representing disadvantaged and vulnerable groups, and to invite them to submit their comments thereon to the working group at its next session;

(c) To request the Secretary-General specially to invite and encourage non-governmental organizations involved in development and working in the field to participate actively in the sessions of the working group;

(d) To request the Secretary-General to provide all the necessary assistance and resources to enable the working group to complete its work and to provide the independent expert with all the necessary assistance and resources to carry out his/her mandate."

[See chap. V.]

1997/104. Status of the International Covenants on Human Rights

At its 36th meeting, on 3 April 1997, the Commission on Human Rights, reaffirming its resolution 1996/16, and taking note of the report on the Status of the International Covenants on Human Rights of the Secretary-General (E/CN.4/1997/72), without a vote:

(i) Decided to request an updated version of the report for consideration at its fifty-fourth session;

(ii) Decided to request the Secretary-General to transmit the text of the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, contained in document E/CN.4/1997/105, to Governments and intergovernmental and non-governmental organizations for their comments for submission to the Commission on Human Rights at its fifty-fourth session;

(iii) Decided to continue to consider at its fifty-fourth session the agenda item entitled "Status of the International Covenants on Human Rights".

[See chap. XIV.]

1997/105. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

At its 37th meeting, on 3 April 1997, the Commission on Human Rights, reaffirming its resolution 1996/22 of 19 April 1996 and taking note of General Assembly resolution 51/87 of 12 December 1996:

(a) Welcomed the report of the Secretary-General on measures taken to implement resolution 1996/22 and on obstacles to its implementation (E/CN.4/1997/73), the note by the High Commissioner for Human Rights on the inventory of all international human rights standard-setting activities (E/CN.4/1997/75), the note by the Secretary-General transmitting the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system (E/CN.4/1997/74), and the report of the seventh meeting of persons chairing human rights treaty bodies (A/51/482, annex);

(b) Invited the Secretary-General to solicit the views of United Nations bodies, Governments, specialized agencies, intergovernmental and non-governmental organizations and interested persons on the report of the independent expert and to submit a report thereon, including the Secretary-General's own views on the legal, administrative and other implications of the report's recommendations, to the Commission on Human Rights at its fifty-fourth session;

(c) Decided, without a vote, to consider at its fifty-fourth session all reports relevant to this subject, including those of the Secretary-General, the seventh and eighth meetings of persons chairing human rights treaty bodies and the independent expert, as well as the Secretary-General's detailed analytical study requested by the General Assembly in its resolution 51/87, if it was available;

(d) And to consider the question of the effective implementation of international instruments on human rights, including reporting obligations

under international instruments on human rights, at its fifty-fourth session under the agenda item entitled "Effective functioning of bodies established pursuant to the United Nations human rights instruments".

[See chap. XV.]

1997/106. Children and juveniles in detention

At its 56th meeting, on 11 April 1997, the Commission on Human Rights, reaffirming its resolution 1996/32 of 19 April 1996 entitled "Human rights in the administration of justice, in particular of children and juveniles in detention", welcomed the report of the Secretary-General (E/CN.4/1997/26), requested the Secretary-General to submit an updated report at its fifty-fourth session, and decided, without a vote, to resume, on a biennial basis, consideration of this question at its fifty-fourth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

[See chap. VIII.]

1997/107. Human rights of persons with disabilities

At its 56th meeting, on 11 April 1997 the Commission on Human Rights, reaffirming its resolution 1996/27 of 19 April 1996 on the human rights of persons with disabilities, in particular the requests to the Secretary-General contained therein, noted the report of the Special Rapporteur on disability of the Commission for Social Development (A/52/56, annex) and decided, without a vote, to resume consideration of this question at its fifty-fourth session and to invite the Special Rapporteur on disability to be present on that occasion.

[See chap. XVI.]

1997/108. Traditional practices affecting the health of women and children

At its 56th meeting, on 11 April 1997, the Commission on Human Rights, taking note of resolution 1996/19 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorsed the decision of the Sub-Commission to extend the mandate of the Special Rapporteur, Ms. Halima Embarek Warzazi, for a further two years in order to follow up and monitor developments in the elimination of traditional practices affecting the health of women and children through, in particular,

the implementation of the Plan of Action for the Elimination of Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1).

[See chap. XVI.]

1997/109. The right to a fair trial

At its 57th meeting, on 11 April 1997, the Commission on Human Rights, recalling its decision 1995/110 of 3 March 1995 and taking note of resolution 1996/29 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the requests by the Sub-Commission that Mr. Stanislav Chernichenko and Mr. David Weissbrodt compile and update the study on the right to a fair trial and a remedy initially prepared by Mr. Chernichenko and Mr. William Treat, and that the full study, entitled "The right to a fair trial: current recognition and measures necessary for its strengthening", be published in all the official languages of the United Nations, and recommended the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, recalling its decision 1995/299 of 25 July 1995 and taking note of Commission on Human Rights decision 1997/... of .. April 1997, approves the request that the compiled and updated report on the right to a fair trial and a remedy be published as described in resolution 1996/29 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and requests the Secretary-General to provide all assistance necessary for the compilation and publication of the updated study."

[See chap. ...]

1997/110. Question of human rights and states of emergency

At its 57th meeting, on 11 April 1997, the Commission on Human Rights, taking note of resolution 1996/30 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to request the Special Rapporteur on the question of human rights and states of emergency, Mr. Leandro Despouy, to submit in his tenth annual report an updated list of States which have proclaimed, extended or terminated a

state of emergency, together with final conclusions on the protection of human rights during states of emergency and specific recommendations as to how this question should be dealt with in the future.

[See chap. ...]

1997/111. United Nations Decade for Human Rights Education

At its 57th meeting, on 11 April 1997, the Commission on Human Rights, bearing in mind its resolution 1996/44 on the United Nations Decade for Human Rights Education and the need to allow time for the implementation of the resolution, decided, without a vote, to defer consideration of this question to its fifty-fourth session under the relevant agenda item.

[See chap. IX.]

1997/112. Protection of the heritage of indigenous people

At its 57th meeting, on 11 April 1997, the Commission on Human Rights, taking note of resolution 1996/37 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and considering the recommendations contained in the supplementary report submitted by the Special Rapporteur, Ms. Erica-Irene Daes, on protection of the heritage of indigenous people (E/CN.4/Sub.2/1996/22), decided, without a vote, to recommend that Ms. Erica-Irene Daes be entrusted with a continuing mandate to exchange information with all parts of the United Nations system involved in activities concerned with the heritage of indigenous people, with the purpose of facilitating cooperation and coordination and of promoting the full participation of indigenous people in these efforts. The Commission also requested the Secretary-General to provide the Special Rapporteur of the Sub-Commission with all the assistance necessary to accomplish her work.

[See chap. XXIV.]

1997/113. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 58th meeting, on 13 April 1997, the Commission on Human Rights, taking note of decision 1996/118 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorsed the decision of the Sub-Commission to request the Special Rapporteur of the Sub-Commission on the study on treaties, agreements and other constructive arrangements between States and indigenous populations, Mr. Miguel Alfonso

Martínez, to submit his final report in time for it to be considered by the Working Group on Indigenous Populations at its fifteenth session and by the Sub-Commission at its forty-ninth session. The Commission requested the Secretary-General to give the Special Rapporteur all the assistance necessary to enable him to conclude his study, in particular by providing for specialized research assistance and for special consultations with the Centre for Human Rights.

[See chap. XXIV.]

1997/114 Study on indigenous land rights

At its 58th meeting on 13 April 1997, the Commission on Human Rights, taking note of resolution 1996/38 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approved the appointment of Mrs. Erica-Irene Daes as Special Rapporteur to prepare, from within existing resources, a working paper on indigenous people and their relationship to land with a view to suggesting practical measures to address ongoing problems in this regard. The Commission requested the Special Rapporteur: (a) to submit a preliminary working paper to the Working Group on Indigenous Populations at its fifteenth session and to the Sub-Commission at its forty-ninth session; (b) to transmit the working paper to Governments and indigenous organizations for their views which the Special Rapporteur should take into account inter alia, in preparing her final working paper; (c) to submit her final working paper to the Working Group at its sixteenth session and to the Sub-Commission at its fiftieth session. The Commission requests the Secretary-General to provide the Special Rapporteur with the assistance necessary to enable her to complete her working paper, and recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, taking note of Commission on Human Rights decision 1997/... of ... April 1997, endorses the appointment of Ms. Erica-Irene Daes as Special Rapporteur to prepare a working paper on indigenous people and their relationship to land with a view to suggesting practical measures to address ongoing problems in this regard, and requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary, from within existing resources, to enable her to complete her work."

[See Chap. XXIV.]

1997/115 Human rights and income distribution

At its 63rd meeting, on 15 April 1997, the Commission on Human Rights, taking note of resolution 1996/26 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to defer a decision on the Sub-Commission's request to the Economic and Social Council that the Secretary-General organize a seminar of experts to develop appropriate indicators, as provided for in the Programme of Action of the World Summit for Social Development (A/CONF.166/9, para. 36 (n)), and to monitor the implementation of the commitments made by Governments, as set out in paragraph 36 (a) to (m) of the Programme of Action, with a view to deciding whether the activity should be held under the Commission for Social Development or under the Commission on Human Rights.

[See Chap. V.]

1997/116. Deferral of consideration of draft resolutions L.86 and L.87, entitled "Rationalization of the work of the special procedures system" and "Review of the special procedures system", to the fifty-fourth session of the Commission on Human Rights

At its 64th meeting, on 15 April 1997, the Commission decided, without a vote, to defer consideration of the draft resolutions L.86 and L.87 entitled "Rationalization of the work of the special procedures system" and "Review of the special procedures system" to the fifty-fourth session of the Commission on Human Rights.

[See chap. ...]

1997/117. Conscientious objection to military service

At its 67th meeting, on 16 April 1997, the Commission on Human Rights, recalling its resolution 1995/83 of 8 March 1995, decided to defer consideration of the question of conscientious objection to military service to its fifty-fourth session.

[See chap. III.]

1997/118. Tolerance and pluralism as indivisible elements in the promotion and protection of human rights

At its 67th meeting, on 16 April 1997, the Commission on Human Rights, bearing in mind its resolution 1996/19, entitled "Tolerance and pluralism as indivisible elements in the promotion and protection of human rights", and the need to allow time for the implementation of the resolution, decided, without a vote, to defer consideration of this question to its fifty-fourth session under the relevant agenda item.

[See chap. III.]

1997/119. Organizatin of the work of the fifty-fourth session (additional meetings)

At its 67th meeting, on 16 April 1997, the Commission, taking into account its heavy schedule of work, as well as the need to give adequate consideration to all the items on the agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's request for additional meetings for its thirty-seventh to fifty-third sessions, decided, without a vote:

(a) To recommend to the Economic and Social Council that it authorize, if possible, within existing financial resources, 40 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-fourth session;

(b) To request the Chairman of the Commission at its fifty-fourth session to make every effort to organize the work of the session within the times normally allotted, so that the additional meetings that the Economic and Social Council might authorize would be utilized only if such meetings proved to be absolutely necessary.

1997/120. Organization of the work of the fifty-fourth session (reporting obligation)

At its 67th meeting, on 16 April 1997, the Commission decided, without a vote, that, unless otherwise indicated in the resolutions adopted at the fifty-third session, all special rapporteurs, special representatives, independent experts and working groups entrusted with continuing thematic or

country-oriented mandates established by the Commission were expected to report to the fifty-fourth session, even if the relevant resolutions did not make explicit reference to that reporting obligation.

1997/121. Question of human rights in Cyprus

At its 67th meeting, on 16 April 1997, the Commission decided, without a vote, to retain on its agenda item 10 (a), entitled "Question of human rights in Cyprus", and to give it due priority at its fifty-fourth session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

1997/122. Human rights and the follow-up to the guidelines for the regulation of computerized personal data files

At its 67th meeting, on 16 April 1997, the Commission on Human Rights, referring to the guidelines for the regulation of computerized personal data files (E/CN.4/1990/72) adopted by the General Assembly in its resolution 45/95 of 14 December 1990, and taking note of the report of the Secretary-General submitted pursuant to Commission decision 1995/114 of 8 March 1995 (E/CN.4/1997/67), decided, without a vote:

(a) To request States and intergovernmental, regional and non-governmental organizations to cooperate fully with the Secretary-General by providing him with any relevant information on the application of the guidelines;

(b) To request the Secretary-General to continue to ensure the implementation of the guidelines in the United Nations system;

(c) To request the Secretary-General to report to it at its fifty-fifth session:

(i) On the application of the guidelines within the United Nations system;

(ii) On information collected from States and intergovernmental, regional and non-governmental organizations concerning the follow-up to the guidelines at the national and regional levels.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.11/Add.8
18 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 26

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

Draft report of the Commission

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

CONTENTS*

Chapter — Page

II. Resolutions and decisions adopted by the Commission at its fifty-third session . . . . . .

A. Resolutions

1997/73. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance . . . . . .

1997/74. Racism, racial discrimination, xenophobia and related intolerance . . . . . .

---

* Document E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

CONTENTS (continued)

Chapter — Page

II. A. Resolutions (continued)

1997/75. Human rights and mass exoduses . . . . . .

1997/76. Strengthening of the Office of the United Nations High Commissioner/Centre for Human Rights . . . . . .

1997/77. Situation of human rights in Burundi . . . .

1997/78. Rights of the child . . . . . .

1997/73. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Reaffirming its resolution 1996/21 of 11 April 1996 and recalling General Assembly resolution 51/79 of 12 December 1996, as well as resolution 1996/8 of 23 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Bearing in mind the Vienna Declaration and Programme of Action, which calls for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,

Deeply concerned that, despite continuing efforts, contemporary forms of racism, racial discrimination, any form of discrimination, inter alia against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance continue to persist and even to grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and their families,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Firmly convinced of the need to take effective and sustained measures at the international, regional and national levels for the elimination of all forms of racism and racial discrimination and, in particular, of the importance of strengthening national legislation and institutions for the promotion of racial harmony,

Noting the conclusion of the Special Rapporteurs of the Sub-Commission, contained in their final report (E/CN.4/Sub.2/1992/9),

Noting also that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993 on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, held that the prohibition of the dissemination of all ideas based upon racial superiority or racial hatred was compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights, and in article 5 of the Convention,

Having examined the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1997/71) and its two addenda, as well as addenda 2, 3 and 4 to the Special Rapporteur's previous report (E/CN.4/1996/72),

Observing that the manifestations of contemporary forms of racism, racial discrimination, xenophobia and related intolerance bode ill for the international community, that racist propaganda and incitement to racial hatred are spreading and that racism is taking increasingly violent forms,

Reaffirming that impunity for crimes motivated by racist and xenophobic attitudes contributes to the weakening of the rule of law and tends to encourage the recurrence of such crimes,

Underlining the importance of creating conditions that foster greater harmony and tolerance within societies,

1. Takes note of the reports submitted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including their addenda;

2. Expresses its support and appreciation for the work of the Special Rapporteur and for its continuation;

3. Commends those States that have so far invited and received the Special Rapporteur, and invites them to examine carefully the recommendations contained in his reports, with a view to their possible implementation;

4. Expresses its profound concern at and unequivocal condemnation of all forms of racism, racial discrimination and all racist acts, in particular racist violence and related acts of random and indiscriminate violence;

5. Expresses its deep concern at and condemnation of manifestations of racism and racial discrimination, xenophobia and related intolerance against migrant workers and members of their families and other vulnerable groups in many societies;

6. Categorically condemns any role played by some print, audiovisual or electronic media in inciting acts of violence motivated by racial hatred;

7. Supports the efforts of Governments in taking measures aimed at the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance and, in this regard, welcomes the designation by the European Union of 1997 as European Year against Racism;

8. Calls upon all States to enact and enforce legislation to prevent and sanction acts of racism and racial discrimination, and notes the conclusions and recommendations of the Special Rapporteur in this regard, as well as those on integration policies;

9. Supports the efforts of Governments to discourage, as appropriate, incitement to discriminatory acts based upon racial hatred and racial violence;

10. Recommends that States give priority to education as a principal means of preventing and eradicating racism and racial discrimination and of creating awareness of the principles of human rights, particularly among young people, and to the training of law-enforcement personnel, inter alia through the promotion of tolerance and respect for cultural diversity;

11. Welcomes the active role played by non-governmental organizations in combating racism and assisting individual victims of racist acts;

12. Requests the Special Rapporteur to continue his exchange of views with Member States and the relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

13. Calls upon all Governments, intergovernmental organizations and relevant organizations of the United Nations system, as well as non-governmental organizations, to supply information to the Special Rapporteur;

14. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate to examine

incidents of contemporary forms of racism, racial discrimination, any form of discrimination, inter alia against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance;

15. Requests the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and evaluation of the mass media, and to elicit responses from Governments with regard to allegations;

16. Invites all Governments to take measures, where possible, to provide assistance and rehabilitation to victims of acts of racism, racial discrimination, xenophobia and related intolerance;

17. Regrets that the Special Rapporteur continues to encounter difficulties in his efforts to fulfil his mandate, owing to the lack of necessary resources;

18. Requests the Secretary-General to provide, without any further delay, the Special Rapporteur with all the appropriate assistance and resources to carry out his mandate and enable him to submit an interim report to the General Assembly at its fifty-second session and a comprehensive report to the Commission at its fifty-fourth session;

19. Decides to continue the consideration of this question at its fifty-fourth session under the agenda item entitled "Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination" as a matter of priority.

68th meeting
18 April 1997

[Adopted without a vote. See chap. XIII.]

1997/74. Racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms and racial discrimination,

and its conviction that racism and racial discrimination constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming further its resolution 1996/21 of 19 April 1996 and recalling General Assembly resolution 51/79 of 12 December 1996, as well as resolution 1996/8 of 20 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Recalling the recommendations of the two World Conferences to Combat Racism and Racial Discrimination, held in Geneva in 1978 and 1983,

Bearing in mind the Vienna Declaration and Programme of Action, which calls for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,

Deeply concerned that, despite continuing efforts, contemporary forms of racism, racial discrimination, any form of discrimination, inter alia against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance persist and are even growing in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and their families,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of two Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be victims of varied forms of racism and racial discrimination,

Noting General Assembly resolution 48/91 of 20 December 1993, in which the General Assembly decided to proclaim the Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and to adopt the Programme of Action proposed for the Third Decade,

Having examined the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1997/71) and its two addenda as well as addenda 2, 3 and 4 to the Special Rapporteur's previous report (E/CN.4/1996/72),

Observing that the manifestations of contemporary forms of racism, racial discrimination, xenophobia and related intolerance bode ill for the international community, that racist propaganda and incitement to racial hatred are spreading and that racism is taking increasingly violent forms,

Reaffirming its resolution 1996/46 of 19 April 1996, entitled "Human rights and thematic procedures", in which, inter alia, it invited the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed promptly on the progress made towards their implementation,

Underlining the importance of urgently eliminating growing and violent trends of racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such crimes, and requires resolute action and cooperation for its eradication,

Emphasizing the importance of the activities of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Recalling General Assembly resolution 51/81 of 12 December 1996, in which the Assembly invited the Commission on Human Rights to consider at its fifty-third session, as a matter of priority, the question of a possible world conference to combat racism, racial discrimination, xenophobia and other related contemporary forms of intolerance, and to make appropriate recommendations, through the Economic and Social Council, to the Assembly at its fifty-second session,

I

General

1. Expresses its profound concern and unequivocal condemnation of all forms of racism and racial discrimination, including racist and related acts of random and indiscriminate violence;

2. Declares that racism and racial discrimination are amongst the most serious violations of human rights in the contemporary world and must be combated by all available means;

3. Underlines the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

4. Expresses its deep concern at and condemnation of manifestations of racism and racial discrimination, xenophobia and related intolerance against migrant workers and members of their families and other vulnerable groups in many societies;

5. Categorically condemns any role played by some print, audio-visual or electronic media in inciting acts of violence motivated by racial hatred;

6. Supports the efforts of Governments in taking measures aimed at the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance and, in this regard, welcomes the designation by the European Union of 1997 as European Year against Racism;

7. Calls upon all States to enact and enforce legislation to prevent and sanction acts of racism and racial discrimination, and notes in this regard the conclusions and recommendations of the Special Rapporteur, as well as those on integration policies;

8. Welcomes the active role played by non-governmental organizations in combating racism and assisting individual victims of racist acts;

9. Invites all Governments to take, where possible, measures to provide assistance to and rehabilitation of victims of acts of racism, racial discrimination, xenophobia and related intolerance;

10. Takes note with interest of general recommendation XV (42) of the Committee on the Elimination of Racial Discrimination on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, in which the Committee concluded that the prohibition of the dissemination of all ideas based upon racial superiority or racial hatred was

compatible with the right to freedom of opinion and expression as embodied in article 19 of the Universal Declaration of Human Rights, and recalled in article 5 of the Convention;

II

Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

11. Takes note of the Secretary-General's report on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/CN.4/1997/68 and Add.1);

12. Regrets the lack of interest, support and financial resources for the Third Decade and its related Programme of Action, which was reflected in the fact that the Centre for Human Rights was able to organize only one seminar since the adoption of the Programme of Action by the General Assembly in 1993, and notes that, unless a supplementary financial effort is made, very few of the activities planned for the period 1994-1997 will be carried out;

13. Recognizes the laudable and generous efforts by donors which have made contributions to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination, but feels that these financial contributions have proved inadequate and that the General Assembly should consider all ways and means of financing the Programme of Action including, inter alia, through the United Nations regular budget;

14. Requests the Secretary-General to submit to the General Assembly at its fifty-second session a detailed report on the financial and personnel resources required for the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and invites the General Assembly to consider the possibility of providing the resources required for the implementation of the Programme of Action for the Third Decade;

15. Warmly calls upon all Governments, United Nations bodies, the specialized agencies and intergovernmental organizations, as well as interested non-governmental organizations, to participate fully in the Third Decade to Combat Racism and Racial Discrimination;

16. Requests the United Nations High Commissioner for Human Rights to take duly into account, within the framework of the restructuring of the Centre for Human Rights, the repeated appeals of the General Assembly and the

Economic and Social Council for the establishment of a mechanism within the Centre for Human Rights as a focal point for coordinating all the activities of the Third Decade before they are carried out by the United Nations;

17. Reaffirms the General Assembly's recommendation that a seminar be organized by the Centre for Human Rights, in cooperation with the Committee on the Elimination of Racial Discrimination, the United Nations Educational, Scientific and Cultural Organization, the International Telecommunication Union and other relevant bodies of the United Nations, non-governmental organizations and Internet service providers, with a view to assessing the role of the Internet in the light of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination;

18. Welcomes the publication by the United Nations Educational, Scientific and Cultural Organization of various teaching materials aimed at promoting teaching, training and educational activities in the field of human rights and against racism and racial discrimination;

19. Recommends that States give priority to education as a principal means of preventing and eradicating racism and racial discrimination and of creating awareness of the principles of human rights, particularly among young people, and to the training of law enforcement personnel, inter alia, through the promotion of tolerance and respect for cultural diversity;

20. Encourages the mass media to promote ideas of tolerance and understanding among peoples and between different cultures;

III

Follow-up activities

21. Welcomes the convening from 9 to 13 September 1996 in Geneva of an evaluation seminar on the application of the International Convention on the Elimination of All Forms of Racial Discrimination, with particular reference to articles 4 and 6, and takes note of its conclusions and recommendations (E/CN.4/1997/68/Add.1, paras. 121-123);

22. Also welcomes the publication by the Centre for Human Rights of Model Legislation for the Guidance of Governments in the Enactment of Further Legislation against Racial Discrimination (HR/PUB/96/2) and invites Governments to take account of it in promulgating new laws against racial discrimination;

23. Invites States to ensure that the competence of their institutions which deal with the promotion and protection of human rights encompasses issues linked to the struggle against racism and racial discrimination and to promote cooperation, understanding and the exchange of experiences among them;

24. Recommends that activities being organized to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights include programmes specifically targeted at combating racism and racial discrimination;

IV

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

25. Takes note of the reports of the Special Rapporteur, including their addenda (E/CN.4/1996/72/Add.1-4 and E/CN.4/1997/71/Add.1-2);

26. Expresses its full support and appreciation for the work of the Special Rapporteur and for its continuation;

27. Requests the Special Rapporteur to continue his exchange of views with Member States and the relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

28. Calls upon all Governments, intergovernmental organizations and other relevant organizations of the United Nations system, as well as non-governmental organizations, to supply information to the Special Rapporteur;

29. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate;

30. Requests the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and the evaluation of the mass media, and to elicit the responses of Governments with regard to allegations;

31. Commends those States that have so far invited and received the Special Rapporteur;

32. Invites the Governments of the States so far visited to consider ways to implement the recommendations contained in the reports of the Special Rapporteur and requests the Special Rapporteur to include in his report to the

Commission on Human Rights at its fifty-fourth session, under the same agenda item, information on the measures taken to implement these recommendations, and to undertake follow-up visits, if necessary;

33. Invites the Governments of the concerned States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to consider including in their periodic reports to the Committee on the Elimination of Racial Discrimination measures they have taken to implement the relevant recommendations of the Special Rapporteur;

34. Urges the High Commissioner for Human Rights to provide those countries which were visited by the Special Rapporteur, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

35. Regrets that the Special Rapporteur continues to encounter difficulties in his effort to fulfil his mandate, owing to the lack of necessary resources;

36. Requests the Secretary-General to provide the Special Rapporteur, without further delay, with all the necessary assistance and resources to carry out his mandate and enable him to submit an interim report to the General Assembly at its fifty-second session and a comprehensive report to the Commission at its fifty-fourth session, under the same agenda item;

37. Requests the Special Rapporteur to include in his report to the Commission at its fifty-fourth session, under the same agenda item, a comprehensive analysis of the implementation of this section of the present resolution;

V

International Convention on the Elimination of All Forms of Racial Discrimination

38. Appeals to those States that have not yet done so to consider ratifying and acceding to the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education, and calls upon the States that have done so to implement them;

39. Encourages States to limit the extent of any reservations they lodge to the International Convention on the Elimination of All Forms of Racial Discrimination and to formulate any reservation as precisely and as

narrowly as possible, while ensuring that no reservation is incompatible with the object and purpose of the Convention or otherwise contrary to international law;

40. Calls upon States parties to the Convention to adopt immediately positive measures aimed at the elimination of all forms of racial discrimination;

41. Requests the States parties to the Convention that have not yet done so to consider the possibility of making the declaration provided for in article 14 of the Convention;

VI

World conference against racism and racial discrimination, xenophobia and related intolerance

42. Decides to recommend to the General Assembly, through the Economic and Social Council, the convening of a world conference on racism and racial discrimination, xenophobia and related intolerance, whose main objectives will be:

(a) To review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, particularly since the adoption of the Universal Declaration of Human Rights and to reappraise the obstacles to further progress in the field and ways to overcome them;

(b) To consider ways and means to better ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance;

(c) To increase the level of awareness about the scourge of racism and racial discrimination, xenophobia and related intolerance;

(d) To formulate concrete recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance;

(e) To review the political, historic, economic, social, cultural and any other factors leading to racism, racial discrimination, xenophobia and related intolerance;

(f) To formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance;

(g) To draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its action to combat racism, racial discrimination, xenophobia and related intolerance;

43. Recommends to the General Assembly through the Economic and Social Council, that the world conference on racism and racial discrimination, xenophobia and related intolerance be convened not later than the year 2001;

44. Recommends to the General Assembly, through the Economic and Social Council, while deciding the agenda of the world conference on racism and racial discrimination, xenophobia and related intolerance, to take into consideration, inter alia, the need to address in a comprehensive manner all forms of racism, racial discrimination, xenophobia and related contemporary forms of intolerance;

45. Stresses the importance of taking into account a gender perspective systematically throughout the preparation of the outcome of the Conference;

46. Recommends to the General Assembly, through the Economic and Social Council that the world conference on racism and racial discrimination, xenophobia and related intolerance be action-oriented and focus on practical measures to eradicate racism, including through measures of prevention, education and protection and the provision of effective remedies, taking into full consideration the existing human rights instruments;

47. Also recommends to the General Assembly, through the Economic and Social Council:

(a) To decide that the Commission on Human Rights should act as the preparatory committee for the world conference on racism and racial discrimination, xenophobia and related intolerance and that its deliberations should be open-ended, allowing for the full participation of all States Members of the United Nations and members of specialized agencies and observers, in accordance with established practice;

(b) To request Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations, non-governmental organizations concerned with human rights, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other human rights mechanisms to assist the preparatory

committee and to undertake reviews and submit recommendations concerning the conference and the preparations therefor to the preparatory committee through the Secretary-General and to participate actively in the conference;

48. Further recommends to the General Assembly, through the Economic and Social Council:

(a) To call upon States and regional organizations to hold national or regional meetings or to take other initiatives in preparation for the world conference on racism and racial discrimination, xenophobia and related intolerance;

(b) To request regional preparatory meetings to submit reports to the preparatory committee, through the Secretary-General, on the outcome of their deliberations, including practical and action-oriented recommendations to combat racism, racial discrimination, xenophobia and other related forms of intolerance;

49. Recommends that the world conference on racism and racial discrimination, xenophobia and related intolerance should be conducted effectively and efficiently and that its size, duration and other cost factors should be determined with due regard for economy;

50. Decides to change the title of its agenda item "Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination" to "Racism, racial discrimination, xenophobia and related intolerance" and to consider it at its fifty-fourth session;

51. Requests the Secretary-General to submit a report to the Commission on Human Rights at its fifty-fourth session on the implementation of the present resolution under the agenda item entitled "Racism, racial discrimination, xenophobia and related intolerance".

68th meeting
18 April 1997
[Adopted without a vote. See chap. XIII.]

1997/75. Human rights and mass exoduses

The Commission on Human Rights,

Deeply disturbed by the scale and magnitude of exoduses and displacements of population in many regions of the world and by the extensive human suffering of refugees and displaced persons,

Recalling its previous relevant resolutions, in particular resolution 1996/51 of 19 March 1996, as well as those of the General Assembly,

and the conclusions of the World Conference on Human Rights, which recognized that gross violations of human rights, including in armed conflicts, are among the multiple and complex factors leading to displacement of people,

Noting with satisfaction the participation of the United Nations High Commissioner for Human Rights in the framework for coordination activities and projects organized by the United Nations system aimed at evolving a comprehensive approach to address root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and responsible mechanisms,

Conscious of the fact that mass exoduses of populations are caused by multiple and complex factors, which may include human rights violations, political, ethnic and economic conflicts, famine, insecurity, violence, poverty and environmental degradation, which indicate that comprehensive approaches, particularly, early warning, require an intersectoral and multidisciplinary approach to enable a coherent system-wide response, particularly at the international and regional levels,

Noting that the Secretary-General, in his report entitled "An Agenda for Peace" (A/47/277-S/24111), identifies the protection of human rights and the promotion of economic well-being as important elements of peace, security and development,

Recognizing the complementarity between the system for the protection of human rights and for humanitarian action, and that the work of humanitarian agencies makes an important contribution to the achievement and protection of human rights,

Welcoming the continuation of inter-agency consultations on early warning of mass flows of refugees, pursuant to the decision of the Administrative Committee on Coordination, with the purpose of serving both prevention of and preparedness for humanitarian emergencies,

Welcoming also the participation of the United Nations High Commissioner for Human Rights and the representative of the Secretary-General on internally displaced persons in the deliberations of the Inter-Agency Standing Committee established by the General Assembly in resolution 46/182 of 19 December 1991,

Welcoming further the cooperation between the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme and other

relevant United Nations entities, with a view to ensuring coordination of activities within their mandates and expertise in the areas of returnee monitoring and promotion, technical advice, institution-building and rehabilitation activities,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, has important capabilities to address human rights violations which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Convinced that the activities of these mechanisms, with a view, inter alia, to preventing mass exoduses and to strengthening emergency preparedness and response mechanisms of the United Nations system as a whole, should be encouraged and further developed and coordinated at both the international and regional levels, with priority given to the systematization of the early-warning information collection,

Recognizing that women and children constitute the majority of most refugee populations and that, in addition to the problems they share in common with all refugees, women and girls in such circumstances are vulnerable to gender-based discrimination and gender-specific violations of human rights,

Recalling that States parties to the 1951 Convention relating to the Status of Refugees undertake, under article 35, to provide information to the Office of the United Nations High Commissioner for Refugees on the implementation of the Convention, as was recalled in the General Conclusion on International Protection adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees in 1995 and 1996,

Distressed at the widespread violation of the principle of non-refoulement and of the rights of refugees, in some cases resulting in loss of refugee lives, and at reports indicating that large numbers of refugees and asylum-seekers have been refouled and expelled in highly dangerous situations, and recalls that the principle of non-refoulement is not subject to derogation,

Recalling all relevant human rights standards, including the Universal Declaration of Human Rights, the principles of international protection for refugees, and the General Conclusions of the Executive Committee of the

Programme of the High Commissioner for Refugees on International Protection, and that asylum applicants should have access to fair and expeditious status determination procedures,

Welcoming the continuing efforts of the United Nations High Commissioner for Refugees in meeting the protection and assistance needs of refugees worldwide and in working to make it possible for refugees to exercise their fundamental right to return and to stay in their own countries in safety and dignity,

1. Takes note with interest of the report of the Secretary-General on human rights and mass exoduses (E/CN.4/1996/42) and the update to this report by the High Commissioner for Human Rights (E/CN.4/1997/42), which are important contributions to efforts to develop a comprehensive approach to the question of human rights and mass exoduses;

2. Welcomes the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language, and urges States to refrain from denying these because of gender;

3. Strongly deplores ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

4. Takes note of resolution 1996/9 of 23 August 1996, entitled "The right to freedom of movement", adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

5. Invites again all Governments and regional, intergovernmental and humanitarian organizations concerned to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and the causes of such exoduses;

6. Emphasizes the responsibility of all States and international organizations to cooperate with those countries affected by mass exoduses of refugees and displaced persons;

7. Urges all bodies involved in inter-agency consultations on early warning to cooperate fully in and to increase the necessary commitment and resources to the successful operation of the consultations;

8. Invites the special rapporteurs, special representatives and working groups of the Commission and the United Nations human rights treaty bodies, acting within their mandates, to seek information, where appropriate, on problems resulting in mass exoduses of populations or impeding their voluntary return home and, where appropriate, to include such information, together with recommendations thereon, in their reports, and to bring such information to the attention of the United Nations High Commissioner for Human Rights for appropriate action in fulfilment of his mandate, in consultation with the United Nations High Commissioner for Refugees;

9. Requests all United Nations bodies, including the United Nations human rights treaty bodies acting within their mandates, the specialized agencies, and governmental, intergovernmental and non-governmental organizations, to cooperate fully with all mechanisms of the Commission and, in particular, to provide them with all relevant information in their possession on the human rights situations creating or affecting refugees and displaced persons;

10. Requests the United Nations High Commissioner for Human Rights, in the exercise of his mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, for preventing the continuation of human rights violations throughout the world and for coordinating human rights activities throughout the United Nations system, and in cooperation with the United Nations High Commissioner for Refugees, to pay particular attention to situations which cause or threaten to cause mass exoduses and to contribute to efforts to address effectively such situations through protection measures as well as emergency preparedness and response mechanisms, including information sharing and the provision of technical advice, expertise and cooperation in countries of origin as well as host countries;

11. Welcomes the efforts of the High Commissioner for Human Rights to contribute to the creation of an environment viable for return in post conflict societies through initiatives such as the rehabilitation of the justice system, the creation of national institutions capable of defending

human rights, broad based programmes of human rights education as well as strengthening of local non-governmental organizations through programmes of advisory services and technical cooperation;

12. Welcomes the establishment by the Department of Humanitarian Affairs of the Humanitarian Early Warning System, and calls upon the United Nations High Commissioner for Human Rights to continue his cooperation with the Department in this regard;

13. Urges the Secretary-General to give high priority and to allocate the necessary resources to the consolidation and strengthening of the system for undertaking early-warning activities in the humanitarian area for the purpose of ensuring, inter alia, that effective action is taken to identify all human rights abuses which contribute to mass outflows of persons, and to invite comments on this issue;

14. Welcomes with appreciation the contributions of the United Nations High Commissioner for Refugees to the deliberations of the fifty-third session of the Commission on Human Rights and to other international human rights bodies and mechanisms, and invites her to address the Commission at its fifty-fourth session;

15. Encourages States that have not already done so to consider accession to the 1951 Convention relating to the Status of Refugees and its Protocol of 1967, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and other relevant regional refugee instruments and relevant international human rights instruments;

16. Encourages States parties to the 1951 Convention relating to the Status of Refugees to provide information to the Office of the United Nations High Commissioner for Refugees, in accordance with article 35 of the Convention;

17. Calls upon States to ensure effective protection of refugees through, inter alia, respecting the principle of non-refoulement;

18. Requests the United Nations High Commissioner for Human Rights to invite Governments, intergovernmental organizations, specialized agencies and non-governmental organizations to provide information and to prepare, within existing resources, and submit to the Commission at its fifty-fourth session an update of his report, including information on and recommendations and conclusions emerging from the action taken pursuant to the present resolution,

with particular attention to defining appropriate early-warning capacities and ensuing implementation procedures and activities necessary to respond promptly and effectively;

19. Decides to continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission" under the sub-item entitled "Human rights, mass exoduses and displaced persons".

69th meeting
18 April 1997
[Adopted without a vote. See chap. IX.]

1997/76. Strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights

The Commission on Human Rights,

Recalling all relevant resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, in particular Commission resolution 1996/82 and Assembly resolution 51/90, as well as the Vienna Declaration and Programme of Action,

Reaffirming that the promotion and protection of all human rights and fundamental freedoms is a priority objective of the United Nations and the importance that the international community attaches to the activities and programmes of the Office of the High Commissioner/Centre for Human Rights,

Bearing in mind that Article 100 of the Charter of the United Nations states:

"1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

"2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.",

Bearing also in mind that paragraph 3 of Article 101 of the Charter of the United Nations states: "The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the

necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.",

1. Welcomes:

(a) And encourages the efforts of the Secretary-General to enhance the role and improve further the functioning of the Centre for Human Rights, as an integral part of the Secretariat of the United Nations, under the overall supervision of the United Nations High Commissioner for Human Rights;

(b) The efforts by the Secretary-General and the United Nations High Commissioner for Human Rights to strengthen human rights activities as well as the information provided by the High Commissioner with regard to the restructuring of the Centre for Human Rights with the aim of increasing the efficiency and effectiveness of the Centre and ensuring that all its mandates can be implemented;

(c) The decision of the Secretary-General to extend a standing invitation to the High Commissioner for Human Rights to the Inter-Agency Standing Committee;

2. Reaffirms the importance of ensuring universality, objectivity and non-selectivity of the consideration of human rights issues, and requests the High Commissioner for Human Rights to continue to ensure that the fulfilment of his mandate and that of the Centre for Human Rights is guided by these principles;

3. Emphasizes:

(a) That the High Commissioner - in pursuance of the task of strengthening, rationalizing and streamlining his Office and the Centre for Human Rights - continue to align the procedures within the Office/Centre for Human Rights with the applicable overall United Nations rules;

(b) That all appointments and recruitments to the Office of the High Commissioner/Centre for Human Rights, including regularization of short-term staff and also including any recruitment made possible by voluntary contributions, should be in accordance with established procedures, inter alia through early dissemination of information on vacancies, on the basis of the principles contained in paragraph 3 of Article 101 of the Charter of the United Nations, and in this regard calls upon the Secretary-General to continue to ensure the application of these principles in the recruitment of personnel in the Office/Centre for Human Rights at all levels;

(c) The importance of providing qualified regular staff to the Office/Centre for Human Rights, adequate to its needs and effective functioning, as well as the need for appropriate utilization of Junior Professional Officers, in a manner consistent with the division of responsibilities within the Office/Centre for Human Rights, and of assigning tasks to Junior Professional Officers that are in line with their status and with Article 100 of the Charter of the United Nations;

4. Notes with concern that earlier requests to increase substantially the resources for the human rights programme have not led to an increase commensurate with the needs of the High Commissioner for Human Rights/Centre for Human Rights and therefore reiterates these requests for an increase of resources from within the existing regular budget of the United Nations;

5. Decides:

(a) To encourage the High Commissioner, within the mandate as set out in General Assembly resolution 48/141, to continue to play an active role in promoting and protecting all human rights, including in the prevention of human rights violations throughout the world, and, in this context, reiterates the need to provide all necessary financial, material and personnel resources to the Office/Centre for Human Rights to enable it to carry out all mandates efficiently, effectively and expeditiously in line with the human rights programme as adopted by the General Assembly;

(b) To reiterate its request to the Secretary-General to provide the human rights programme with all the necessary human, financial and material resources from future regular budgets of the United Nations, and in particular that this be taken into account in the budget for the 1998-1999 biennium;

(c) To request the Secretary-General to continue to do his utmost to increase cooperation and coordination on human rights issues among the various other departments, offices and agencies of the United Nations as well as to ensure the participation of the Office of the High Commissioner/Centre for Human Rights in all mechanisms related to the follow-up to major United Nations conferences;

(d) To invite the High Commissioner for Human Rights to make available to all States, on a regular basis, information on voluntary contributions and their allocation, and to invite all States to all briefing meetings and appeals, including those with States contributing extrabudgetary funds;

(e) To request the High Commissioner to make available on an annual basis a report on the staff of the Office of the High Commissioner/Centre for Human Rights reflecting, inter alia, grade, nationality and gender, including with regard to non-regular staff;

(f) To request the High Commissioner to submit to the Commission at its fifty-fourth session a report on the implementation of the present resolution and to include in this report, inter alia, information on

(i) Voluntary contributions, including their share in the overall budget of the human rights programme and their allocation;

(ii) An assessment of the effectiveness of ongoing field operations;

(g) To consider the question of strengthening the Office of the High Commissioner for Human Rights/Centre for Human Rights at its fifty-fourth session, including measures taken in furtherance of the present resolution.

69th meeting
18 April 1997
[Adopted without a vote. See chap. IX.]

1997/77. Situation of human rights in Burundi

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming its commitment with regard to respect for the principles of the rule of law, which involves democracy, national unity, pluralism and respect for human rights and fundamental freedoms,

Reaffirming also that all States have the duty to promote and protect human rights and to fulfil their obligations under the various instruments to which they are parties,

Recalling its resolution 1996/1 of 27 March 1996,

Recalling also Security Council resolution 1072 (1996) of 30 August 1996,

Aware of the fact that Burundi is a party to the 1951 Convention relating to the Status of Refugees, to the 1967 Protocol relating to the Status of Refugees, to the Organization of African Unity Convention Governing

the Specific Aspects of Refugee Problems in Africa, to the International Covenant on Civil and Political Rights and to the International Covenant on Economic, Social and Cultural Rights,

Noting with grave concern that serious violations of human rights and fundamental freedoms take place in Burundi,

Concerned about the coup d'état which took place on 25 July 1996 in Burundi,

Emphasizing that the primary responsibility for peace lies with the people of Burundi,

Recognizing that effective action to prevent further violations of human rights and fundamental freedoms is indispensable in promoting the stabilization and reconstruction of Burundi and the lasting restoration of the constitutional order,

Acknowledging the efforts made by the United Nations, the Organization of African Unity and the European Union aimed at contributing to a peaceful settlement of the Burundian crisis,

Taking into account the regional summits, including those held in Arusha, Nairobi and Brazzaville, on the situation in the Great Lakes region, and in Burundi in particular,

Considering the decisions, conclusions and recommendations adopted by the Council of Ministers of the Organization of African Unity held in Tripoli,

Recognizing the important role of women in the reconciliation process and the search for peace, and urging the Government to ensure the equal participation of women in Burundian society and to improve their living conditions,

1. Takes note of the interim report of the Special Rapporteur (A/51/459, annex) on the situation of human rights in Burundi, and his second report (E/CN.4/1997/12 and Corr.1), as well as its addendum of 7 March 1997;

2. Supports the efforts made by the United Nations, the Organization of African Unity and the European Union mediators in the search for a lasting solution to the problems of the Great Lakes region;

3. Encourages the Organization of African Unity in its efforts, particularly through its Mechanism for Conflict Prevention, Management and Resolution, to remain engaged in preventing the further deterioration of the situation;

4. Encourages the countries which imposed sanctions on Burundi to continue to evaluate the effects of the sanctions on the situation in Burundi;

5. Strongly condemns the massacres of civilians, summary, arbitrary and extrajudicial executions, enforced disappearances, arbitrary arrests and detention, violence and restrictions on movement committed by all parties, and urges them to end such actions immediately;

6. Urges all parties to the conflict to end the cycle of violence and killing, notably the indiscriminate violence against refugees, women, children and the elderly;

7. Expresses deep concern at the involuntary resettlement of rural populations in regroupment camps and at the violations of human rights which occurred in that process, and calls on the Government of Burundi to dismantle these camps and allow the displaced to return to their home villages, monitored by the Human Rights Field Operation in Burundi;

8. Regrets that the changes which occurred on 25 July 1996 were unconstitutional, and calls upon the Government of Burundi, together with all components of Burundian society, to work actively for the restoration of the rule of law and constitutional order to safeguard democracy and peace for the Burundian population;

9. Strongly condemns the murder of three workers from the delegation of the International Committee of the Red Cross which took place at Mugina in Cibitoke province on 4 June 1996, and urges the Government of Burundi to publish the results of the investigations carried out in this connection and to bring the culprits to justice;

10. Emphasizes that the Government of Burundi is responsible for ensuring the safety of its population as well as that of personnel of international humanitarian organizations, refugees, returnees and displaced people;

11. Urges the Government of Burundi and, in particular, the armed forces of Burundi, as well as the other parties involved in the hostilities, to respect scrupulously the principles and rules of international humanitarian law and to facilitate the activities of the International Committee of the Red Cross so that it may carry out its mandate;

12. Calls upon the Government of Burundi to make further efforts to ensure that established legal safeguards for human rights and international human rights standards are fully respected;

13. Notes the functioning of the Criminal Appeal Court and requests the Government of Burundi to do everything possible to eradicate impunity entirely;

14. Calls for the prosecution and punishment of those who are responsible for human rights violations and violations of international humanitarian law;

15. Expresses its abhorrence for the radio stations which broadcast messages advocating racial or ethnic hatred and violence as well as local newspapers pursuing the same objectives;

16. Supports all efforts to promote conditions for institutional reform and national reconciliation, in particular through dialogue among the Burundians, including armed factions, in order to end the hostilities and to reach a lasting political settlement and to promote a climate of reconciliation;

17. Calls upon the international community to continue to provide humanitarian assistance needed by displaced persons and returnees in Burundi;

18. Appeals to the Government of Burundi to continue to ensure the safety and security of United Nations staff and humanitarian personnel and individuals serving in Burundi;

19. Calls upon the Government of Burundi to continue to cooperate with the United Nations Human Rights Field Operation in Burundi and to provide it with access throughout the country;

20. Calls for the full deployment, in secure conditions, of the agreed 35 observers to the Human Rights Field Operation in Burundi;

21. Makes a strong appeal to the international community to commit itself resolutely to contributing to reconciliation and confidence-building in the Great Lakes region;

22. Welcomes the international efforts to reach a durable solution to the conflict in Burundi and calls upon all parties to work constructively with the international mediators;

23. Requests States not to allow their territories to be used as bases for incursions or attacks against another State, in violation of the principles of international law, including the Charter of the United Nations;

24. Condemns the illegal sale and distribution of weapons and related materials which disturb peace and security in the region;

25. Urges States and international and governmental and non-governmental organizations to cooperate with initiatives aimed at the reconstruction of Burundi, and invites international financial support for such initiatives;

26. Welcomes with satisfaction the implementation of a programme of technical assistance, and invites the United Nations High Commissioner for Human Rights/Centre for Human Rights to provide ongoing assistance, particularly in the field of justice and the training of members of the armed forces and the police, and to promote human rights;

27. Decides to extend the mandate of the Special Rapporteur for an additional year and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session on human rights in Burundi and a report to the Commission on Human Rights at its fifty-fourth session, and requests the Special Rapporteur to apply a gender perspective in his work.

70th meeting
18 April 1997
[Adopted without a vote. See chap. X.]

1997/78. Rights of the child

The Commission on Human Rights,

Recalling its resolution 1996/85 of 24 April 1996 and General Assembly resolutions 51/76 and 51/77 of 12 December 1996 and the Declaration and Plan of Action adopted by the World Summit for Children in 1990 and reaffirming the Vienna Declaration and Programme of Action, which states that national and international mechanisms and programmes for the defence and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and abuse of children such as female infanticide, harmful child labour, sale of children and organs, child prostitution and child pornography as well as other forms of sexual abuse, and which reaffirms that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities,

Taking note of the work carried out by:

(a) The Committee on the Rights of the Child;

(b) The United Nations Children's Fund;

(c) The Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography;

(d) The expert appointed by the Secretary-General to undertake a study on the impact of armed conflict on children;

(e) The working groups on draft optional protocols to the Convention on the Rights of the Child, one relating to the involvement of children in armed conflict, and one relating to the sale of children, child prostitution and child pornography;

(f) Other relevant bodies and organizations of the United Nations system, regional organizations, intergovernmental and non-governmental organizations and institutions for the promotion and protection of the rights of the child, and encouraging the establishment of bodies and institutions, both governmental and non-governmental, to monitor, carry out or support activities in favour of children,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of poverty, inadequate social and economic conditions, natural disasters, armed conflicts, displacement, economic and sexual exploitation, illiteracy, hunger, intolerance and disability, and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Recognizing that legislation alone is not enough to prevent violations of the rights of the child, that stronger political commitment is needed and that Governments should implement their laws and complement legislative measures with effective action, inter alia in the fields of law enforcement and in the administration of justice, and in social, educational and public health programmes,

Recommending that within their mandates, all relevant human rights mechanisms and all other relevant organs and mechanisms of the United Nations system and the supervisory bodies of the specialized agencies pay attention to particular situations in which children are in danger and where their rights are violated and that they take into account the work of the Committee on the Rights of the Child,

Reaffirming that the best interests of the child shall be a primary consideration in all actions concerning children,

I

Implementation of the Convention on the Rights of the Child

1. Welcomes:

(a) The nearly universal ratification of and accession by States to the Convention on the Rights of the Child, and urges those States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority;

(b) The constructive role of the Committee on the Rights of the Child in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation;

2. Calls upon States parties:

(a) To implement fully the Convention, to cooperate closely with the Committee on the Rights of the Child and to comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee;

(b) To withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations;

(c) To accept the amendment to paragraph 2 of article 43 of the Convention, which would increase the membership of the Committee on the Rights of the Child from 10 to 18 experts;

(d) And organs and bodies of the United Nations, within the scope of their respective mandates, as well as intergovernmental and non-governmental organizations, the media and the community at large, to make the principles and provisions of the Convention widely known to adults and children alike in accordance with article 42 and to encourage training on the rights of the child for those involved in activities concerning children, for example through the programme of advisory services and technical cooperation in the field of human rights;

3. Decides, with regard to the Committee on the Rights of the Child:

(a) To request the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee, while noting the Plan of Action of the High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child;

(b) To encourage the Committee, in monitoring the implementation of the Convention on the Rights of the Child, to continue to pay attention to the needs of children in especially difficult circumstances, including children with disabilities, and welcomes its decision to devote its next General Discussion to the rights of children with disabilities;

II

The girl child

4. Reaffirms the fundamental principle set forth in the Vienna Declaration and Programme of Action and in the Beijing Declaration and Platform for Action that the human rights of women and girls are an inalienable, integral and indivisible part of universal human rights;

5. Calls upon all States:

(a) To take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, and to take effective action against violations of those rights and freedoms;

(b) And international and non-governmental organizations, individually and collectively, to set goals and to develop and effectively implement gender-sensitive strategies to address the rights and needs of children, in accordance with the Convention on the Rights of the Child, and to take into account the rights and particular needs of girls, especially in education, health and nutrition, and to eliminate negative cultural attitudes and practices against girls;

(c) To eliminate all forms of discrimination against girls and the root causes of son preference, which result in harmful and unethical practices, inter alia by enacting and enforcing legislation protecting girls from violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse and exploitation, and by developing age-appropriate, safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

III

Prevention and eradication of the sale of children, and of their sexual exploitation and abuse, including child prostitution and child pornography

6. Welcomes:

(a) The report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1997/95 and Add.1-2);

(b) The report of the working group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on its third session (E/CN.4/1997/97);

(c) The measures taken by Governments to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

(d) The adoption and dissemination of the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children (see A/51/385);

7. Calls upon all States:

(a) To urgently develop, implement and enforce measures to eliminate the sale of children and their sexual exploitation, inter alia through child sex tourism and other forms of child prostitution and child pornography, including measures in line with the Vienna Declaration and Programme of Action and with those outlined in the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children;

(b) To participate constructively in the negotiations on an optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography with the aim of an early agreement on the text;

(c) To criminalize effectively commercial and all other forms of sexual exploitation of children, while ensuring that child victims are not penalized for such practices, and to prosecute offenders, whether local or foreign, and to ensure that a person who exploits a child for sexual abuse in another country is prosecuted by competent national authorities, either in the offender's country of origin or in the destination country;

(d) To step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to combating the existence of a market that encourages such criminal practices against children and dismantling national and international networks trafficking in children;

(e) And relevant United Nations bodies and agencies to allocate resources for comprehensive and gender-sensitive programmes to rehabilitate child victims of trafficking and all forms of sexual exploitation and abuse, and to promote their physical and psychological recovery and social reintegration;

(f) To work towards strengthening partnerships between Governments, international organizations and all sectors of civil society, particularly non-governmental organizations, in order to achieve these objectives, and welcomes the efforts already made in this respect;

(g) To cooperate with and assist the Special Rapporteur and to furnish all information requested, including by inviting her for country visits;

8. Decides, with regard to the Special Rapporteur on the sale of children, child prostitution and child pornography:

(a) To request the Secretary-General to provide the Special Rapporteur with all necessary assistance and to urge all relevant parts of the United Nations system to provide the Special Rapporteur with comprehensive reporting to make the full discharge of her mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-second session and a report to the Commission at its fifty-fourth session;

(b) To invite the Special Rapporteur to continue to cooperate closely with other relevant United Nations organs and bodies and to convey her findings to the Commission on Human Rights;

9. Decides, with regard to the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography:

(a) To request the Secretary-General to transmit the report of the working group on the question of a draft optional protocol to Governments, relevant specialized agencies, the Committee on the Rights of the Child, the relevant Special Rapporteur and intergovernmental and non-governmental organizations and to invite their comments in time for circulation prior to the next session of the working group, and invites the Committee on the Rights of the Child to consider being represented and the Special Rapporteur to consider being present at the next session of the working group;

(b) To request the working group on the question of a draft optional protocol on the sale of children, child prostitution and child pornography to meet for a period of two weeks, or less if possible, prior to the next session of the Commission, in order to finalize the draft optional protocol before the tenth anniversary of the Convention on the Rights of the Child;

IV

Protection of children affected by armed conflict

10. Welcomes:

(a) The final report of the expert appointed by the Secretary-General to undertake a study on the impact of armed conflict on children (A/51/306 and Add.1), takes note with appreciation of the recommendations included therein, and requests the Secretary-General to ensure its wide dissemination;

(b) The recommendation by the General Assembly to the Secretary-General to appoint a special representative on the impact of armed conflict on children and to ensure the necessary support to the prospective special representative;

(c) The report of the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on its third session (E/CN.4/1997/96);

11. Calls upon all States:

(a) To consider acceding to relevant international human rights and humanitarian law instruments, and urges them to implement those instruments to which they are parties;

(b) To participate constructively in the negotiations on an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict with the aim of an early agreement on the text;

(c) In accordance with the norms of international humanitarian law, to integrate in their military programmes, including those for peacekeeping, instruction on responsibilities towards the civilian population, particularly women and children;

(d) And relevant United Nations bodies, including the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, to contribute on an ongoing basis to international mine clearance efforts and urges States to take further action to promote gender- and age-appropriate mine-awareness programmes and child-centred rehabilitation, thereby reducing the number and the plight of child victims, and welcomes international efforts aimed at restricting and prohibiting the indiscriminate use of anti-personnel mines;

12. Calls upon all States and other parties to armed conflict:

(a) To respect international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and the Additional protocols thereto of 1977,

while bearing in mind resolution 2 of the twenty-sixth International Conference of the Red Cross and Red Crescent, and to respect the provisions of the Convention on the Rights of the Child which accord children affected by armed conflict special protection and treatment;

(b) To end the use of children as soldiers and to ensure their demobilization as well as the reintegration into society of child soldiers, child victims in cases of armed conflict or foreign occupation, including victims of land-mines and all other weapons, and victims of gender-based violence, inter alia, through adequate education and training, and invites the international community to assist in this endeavour;

(c) As well as United Nations agencies to ensure access of humanitarian aid and assistance to children affected by armed conflicts;

13. Reaffirms:

(a) That rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide, and calls upon all States to protect women and children from gender-based violence, including rape, sexual exploitation and forced pregnancy, and to strengthen mechanisms to investigate and prosecute perpetrators;

(b) That all humanitarian responses in conflict situations should emphasize the special reproductive health needs of women and girls, including those that arise from pregnancy as a result of rape, sexual mutilation, childbirth at an early age or infection with sexually transmitted diseases, as well as HIV/AIDS and access to family planning services;

(c) The importance of preventive measures such as early-warning systems, preventive diplomacy and education for peace to prevent conflicts and their negative impact on the enjoyment of the rights of the child, and urges Governments and the international community to promote sustainable human development;

(d) The importance of special attention for children in situations of armed conflict, including in the areas of health and nutrition, education and social reintegration, in developing emergency and other humanitarian assistance policies and programmes and of enhanced coordination and cooperation throughout the United Nations system to this end;

(e) Its support for the recommendations of the General Assembly and the International Conference of the Red Cross and Red Crescent concerning the assessment and monitoring of the consequences of sanctions upon children, as well as those concerning humanitarian relief;

14. Decides, with regard to the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict:

(a) To request the Secretary-General to transmit the report of the working group on this draft optional protocol to Governments, relevant United Nations bodies and specialized agencies, the Committee on the Rights of the Child, the prospective special representative on the impact of armed conflict on children and intergovernmental and non-governmental organizations, and to invite their comments in time for circulation prior to the next session of the working group, and invites the International Committee of the Red Cross and the Committee on the Rights of the Child to consider being represented and the prospective special representative to consider being present at the next session of the working group on a draft optional protocol on the involvement of children in armed conflict;

(b) To request the working group on a draft optional protocol on the involvement of children in armed conflict to meet for a period of two weeks, or less if possible, prior to the next session of the Commission in order to finalize the draft optional protocol;

(c) To request the Secretary-General, in cooperation with States, international organizations and relevant non-governmental organizations to consider modalities for organizing regional training programmes for members of the armed forces relating to the protection of children and women during armed conflicts;

15. Decides, with regard to the prospective special representative of the Secretary-General on the impact of armed conflict on children, to invite Member States, United Nations organs and bodies, the International Committee of the Red Cross as well as other relevant intergovernmental and non-governmental organizations to contribute to the work of the special representative, including his/her annual report;

V

Refugee and internally displaced children

16. Calls upon all States:

(a) To protect refugee and internally displaced children, including through policies for their care, well-being and development, with the necessary international cooperation, in particular with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the International Committee of the Red Cross;

(b) And United Nations bodies and agencies to ensure the early identification and registration of unaccompanied refugee and internally displaced children, to give priority to programmes for family tracing and reunification, and to continue monitoring the care arrangements for unaccompanied refugee and internally displaced children;

(c) And other parties to armed conflicts to recognize the particular vulnerability of refugee and internally displaced children to recruitment into armed forces and to sexual violence, exploitation and abuse, stresses the special vulnerability of child-headed households and calls upon Governments and United Nations bodies to give these situations urgent attention and to enhance protection and assistance mechanisms;

(d) To involve women and youth in the design, delivery and monitoring of measures to protect them against sexual violence and recruitment of children into armed forces;

VI

Elimination of exploitation of child labour

17. Welcomes:

(a) Recent studies and reports by the United Nations Children's Fund and the International Labour Organization on child labour;

(b) The measures taken by Governments to eliminate the exploitation of child labour, while recalling the Programme of Action for the Elimination of the Exploitation of Child Labour, and calls upon relevant United Nations agencies, in particular the United Nations Children's Fund and the International Labour Organization, to continue to support national efforts in this regard;

(c) The governmental initiatives to convene international conferences on various forms of child labour, such as the ones held in Amsterdam, the

Netherlands, in February 1997 and in Arusha, United Republic of Tanzania, in March 1997 and the ones to be convened in Cartagena, Colombia, in May 1997 and in Oslo, Norway, in October 1997;

(d) The efforts by the Committee on the Rights of the Child in the area of child labour, takes note of its recommendations and encourages the Committee as well as other relevant human rights treaty bodies, within their respective mandates, to continue to monitor this growing problem when examining reports of States parties;

18. Calls upon all States:

(a) That have not yet done so to consider ratifying the conventions of the International Labour Organization relating to the elimination of the exploitation of child labour, in particular those concerning the abolition of forced labour and the minimum age for employment, including for particularly hazardous work for children, and to implement those conventions, and urges them, as a matter of priority, to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery;

(b) To take the necessary legislative, administrative, social and educational measures to provide for a minimum age or minimum ages for admission to employment, appropriate regulation of the hours and conditions of employment, and appropriate penalties or other sanctions to ensure their effective enforcement and to ensure the protection of children from economic exploitation, in particular protection from performing any work that is likely to be hazardous or to interfere with the child's education, or harmful to the child's health or development;

(c) In line with international commitments made at the World Summit for Social Development and other relevant United Nations conferences, to set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and for ensuring the full enforcement of relevant existing laws and, where appropriate, enacting legislation necessary to implement their obligations under the Convention on the Rights of the Child and International Labour Organization standards ensuring the protection of working children;

(d) To translate into concrete action their commitment to the progressive and effective elimination of all forms of exploitative child labour, starting with its most intolerable forms, and to implement, inter alia, national action plans, the resolution on the elimination of

child labour adopted by the International Labour Conference at its eighty-third session in 1996 and other relevant resolutions on the subject adopted by the General Assembly and the Commission on Human Rights;

(e) To support the proposed drafting by the International Labour Organization of an instrument aimed at eradicating the most intolerable forms of child labour;

(f) To recognize the right to education by making primary education compulsory and ensuring that all children have access to free primary education as a key strategy to prevent child labour;

(g) To systematically assess and examine, in close cooperation with international organizations such as the International Labour Organization and the United Nations Children's Fund, the magnitude, nature and causes of the exploitation of child labour, and to develop and implement strategies for combating these practices, including attention to specific dangers faced by girls;

(h) To strengthen international cooperation, inter alia, through the United Nations programme of advisory services in the field of human rights, the International Programme on the Elimination of Child Labour of the International Labour Organization and activities of the United Nations Children's Fund, as a means of assisting Governments in preventing or combating violations of the rights of the child, including the exploitation of child labour;

19. Decides to request the Secretary-General, when reporting on the implementation of General Assembly resolution 51/77, to cooperate closely with relevant actors and United Nations specialized agencies, in particular the International Labour Organization and the United Nations Children's Fund, in order to provide information on initiatives aimed at eliminating the exploitation of child labour and to recommend ways and means to improve cooperation at the national and international levels in this field;

VII

The plight of street children

20. Calls upon:

(a) All States, while expressing grave concern at the growing number of incidents worldwide and at reports of children working or living on the street being involved in and affected by serious crime, drug abuse, violence and prostitution, to continue actively to seek comprehensive solutions to the

problems of children on the street, while emphasizing that strict compliance with obligations under relevant international human rights instruments, including the Convention on the Rights of the Child, constitutes a significant step towards solving the problems of street children;

(b) All States to ensure the reintegration of street children into society and to provide, inter alia, adequate nutrition, shelter, health care and education, taking into account that such children are particularly vulnerable to all forms of abuse, exploitation and neglect, and encourages States to take the situation of street children fully into account in preparing their reports to the Committee on the Rights of the Child;

(c) All States to guarantee respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent and effective measures to prevent the killing of street children and to combat torture and violence against them, and to ensure that legal and juridical processes respect children's rights in order to protect them against arbitrary deprivation of liberty, maltreatment or abuse;

(d) The international community to support, through effective international cooperation, the efforts of States to improve the situation of children in need of special protection measures, including in urban settlements in accordance with the Habitat Agenda adopted at the United Nations Conference on Human Settlements, held in Istanbul in June 1996;

VIII

21. Decides:

(a) To request the Secretary-G neral to follow up the recommendation by the General Assembly to appoint for a period of three years a special representative on the impact of armed conflict on children;

(b) Also to request the Secretary-General to submit to the Commission at its fifty-fourth session a report on the status of the Convention on the Rights of the Child;

(c) To continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Rights of the child".

70th meeting
18 April 1997
[Adopted without a vote. See chap. XXI.]

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.11/Add.9
24 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 26

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

DRAFT REPORT OF THE COMMISSION

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

CONTENTS*

Chapter — Page

II. Resolutions and decisions adopted by the Commission at its fiftieth session

B. Decisions

1997/123. Organization of the work of the fifty-fourth session . . . . . .

1997/124. Composition of the staff of the Centre for Human Rights . . . . . .

1997/125. Racism, racial discrimination, xenophobia and related intolerance . . . . . .

1997/126. Restructuring and revitalization of the Commission on Human Rights . . . . . .

* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

1997/123. Organization of the work of the fifty-fourth session

At its 68th meeting, on 18 April 1997, the Commission on Human Rights decided, without a vote, in the light of the positive experience gained by rescheduling the dates of its fifty-second and fifty-third sessions, to recommend to the Economic and Social Council, pursuant to Council decision 1994/297 of 29 July 1994, and bearing in mind Council decision 1995/296 of 25 July 1995, that the Commission's annual regular sessions should be rescheduled to take place in March/April each year, instead of earlier in the year, and that, accordingly, the fifty-fourth session should take place from 16 March to 24 April 1998.

[See chap. III.]

1997/124. Composition of the staff of the Centre for Human Rights

At its 69th meeting, on 18 April 1997, the Commission on Human Rights at its fifty-third session decided, without a vote, to defer consideration of draft resolution E/CN.4/1997/L.47, entitled "Composition of the staff of the Centre for Human Rights", to its fifty-fourth session.

[See chap. IX.]

1997/125. Racism, racial discrimination, xenophobia and related intolerance

At its 70th meeting, on 18 April 1997, the Commission on Human Rights, having considered the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1997/71), and in particular sub-heading E.3 of chapter II, entitled "Islamist and Arab anti-Semitism" and the text of paragraph 27 containing an offensive reference to the Holy Qur'an: "The use of Christian and secular European anti-Semitism motifs in Muslim publications is on the rise, yet at the same time Muslim extremists are turning increasingly to their own religious sources, first and foremost the Qur'an, as a primary anti-Jewish source.",

(i) Decided, without a vote, to express its indignation and protest at the content of such an offensive reference to Islam and the Holy Qur'an;

(ii) Affirmed that that offensive reference should have been excluded from the report;

(iii) Requested the Chairman to ask the Special Rapporteur to take corrective action in response to the present decision.

[See chap. XIII.]

1997/126. Restructuring and revitalization of the Commission on Human Rights

At its 70th meeting, on 18 April 1997, the Commission on Human Rights decided, without a vote, to defer consideration of draft resolution L.105, entitled "Restructuring and revitalization of the Commission on Human Rights", to the fifty-fourth session of the Commission on Human Rights.

[See chap. III.]